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| 10/038,338 | 10/23/2001 | Arun P. Gupta | SUNMP024 | 7269 |

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| EXAMINER | |
|---|---|
| TRAN, QUOC A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2176 | |

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/038,338 | GUPTA, ARUN P. | |
| | Examiner | Art Unit | |
| | Quoc A. Tran | 2176 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *21 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12, 14-17 and 19-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1. This action is responsive to communications: RCE and Amendment both filed on 10/21/2005, to the original application filed 10/23/2001.

2. Claims 1-12, 14-14 and 19-21 are pending. Applicants amended claims 1, 6, 11, 16 and cancelled claims 13 and 18 and added new claim 21. Claims 1, 11,16 and 21 are independent claims.

### *Continued Examination Under 37 CFR 1.114*

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/21/2005 has been entered.

### *Response to Arguments*

4. Applicant's arguments with respect to claims 1-12, 14-17 and 19-20 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 101*

5. 35 U.S.C. 101 reads as follows:

> ***Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.***

6. Claim 21 is rejected under 35 U S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 21 set forth non-functional descriptive material but fail to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (i.e. a computer) to produce a "useful, concrete and tangible" result. For example, claim 21 the "method" reads on a mental construct/abstract idea or at bests a computer program, per se. The language such as " A method for generating and processing test results, comprising the operation of:..., does not clearly define structural elements and are not tangibly embodied on a computer readable medium. Claim 21 is interpreted as software per se, abstract ideas or mental construct and not tangibly embodied on a computer readable medium or hardware.

**Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> ***(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.***

4. **Claims 1-12, 14-17 and 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable by Mason US006826716B2 – filed 09/26/2001 (hereinafter Mason), in view of view of Davis US 20050198042A1-Division of No. 09/573,413 filed 05/18/2000 (hereinafter Davis).

**In regard to independent claim 1, executing a computer software test application on a platform** (as taught by Mason at col. 15, lines 25-35, a further object of the present

invention is to provide a test program for testing J2EE application on a flat form, such as test generator in the J2EE (Java 2 Enterprise Edition), the terms J2EE application/web application is used here in the broadest sense to encompass the executing a computer software test application);

**generating test result in results in an Extensible Markup Language (XML) enabled format** (as taught by Mason at col. 15, lines 25-35, a further object of the present invention is to provide a test program for testing J2EE application on a flat form, such as test generator in the J2EE (Java 2 Enterprise Edition), wherein the web application via the XML deployment descriptors, and a test generator could generate tests to explicitly related QOS (Quality-Of–Service) of an Enterprise application. The test generator output Java code, wherein the Java xml parser was employed for breaking down element to usable parts (as taught by Mason at col. 2, lines 10-20). The above schema was used in the broadest sense to encompass the claim limitation, such as test resulting in xml enable format).

Mason does not explicitly teach, **and using the XML enabled test results to create a test summary report**, however (Davis at the Abstract, discloses methods and systems provide a "chart view" for a markup language referred to as Reusable Data Markup Language ("RDML"). Generally, a chart view comprises the components necessary for automatically manipulating and displaying a graphical display of numerical data contained in RDML markup documents. RDML is a markup language, such as the Hypertext Markup Language ("HTML") or the Extensible Markup Language ("XML"), also Davis at page 9, paragraph [0115], discloses RDSL style sheets 106 act as templates for output reports. The RDML data object (discussed below) in the RDML data viewer 100 can be placed into a report using one or more different

style sheets. RDSL, a fully compliant implementation of XSL, allows a data publisher to provide multiple report formats for its data),

**the computer software test application having one or more test suites,** however (Davis at page 7 paragraph [0085] through page 8 paragraph [0092], discloses an automated testing tool for programming language dependencies and data type inconsistencies from multiple sources) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein test suites would have been an obvious variant of testing tool for programming language dependencies and data type inconsistencies from multiple sources to a person of ordinary skill in the art at the time the invention was made,

**wherein the XML enabled test results is capable of being rearranged,** however (Davis at page 5 paragraphs [0067] –[0073], provide a markup language, referred to as Reusable Data Markup Language ("RDML"), and a data viewer referred to as the RDML data viewer that is used to retrieve, manipulate and view documents in the RDML format. Generally, RDML permits the browsing and manipulation of numbers, and allows the viewer to act as a combination Web browser and spreadsheet/analytic application that may automatically read numbers from multiple online sources, understand their meaning, and manipulate them without human intervention. Similarly, Reusable Data Style Language ("RDSL") style sheets 106, another optional input to the data viewer 100, can be applied to data documents to create specially-formatted output reports. A RDSL is a fully compliant implementation of Extensible Style Language ("XSL") which is described in detail in "XML Bible," Elliotte Rusty Harold, IDG Books Worldwide, 1999),

**the rearranged XML enabled test results including test suite tags,** however (Davis at page 5 paragraphs [0067] –[0073], provide a markup language, referred to as Reusable Data Markup Language ("RDML"), and a data viewer referred to as the RDML data viewer that is used to retrieve, manipulate and view documents in the RDML format. Generally, RDML permits the browsing and manipulation of numbers, and allows the viewer to act as a combination Web browser and spreadsheet/analytic application that may automatically read numbers from multiple online sources, understand their meaning, and manipulate them without human intervention. Similarly, Reusable Data Style Language ("RDSL") style sheets 106, another optional input to the data viewer 100, can be applied to data documents to create specially-formatted output reports. A RDSL is a fully compliant implementation of Extensible Style Language ("XSL") which is described in detail in "XML Bible," Elliotte Rusty Harold, IDG Books Worldwide, 1999, further Davis at page 26 paragraph [0303] through page 27 paragraph [0321], includes a means of utilizing the tagging wizard for creating a tagged text document in RDML, and also Davis at page 9, paragraph [0115], discloses RDSL style sheets 106 act as templates for output reports. The RDML data object (discussed below) in the RDML data viewer 100 can be placed into a report using one or more different style sheets. RDSL, a fully compliant implementation of XSL, allows a data publisher to provide multiple report formats for its data),

**each test suite tag encapsulating the test results corresponding to each test suite of the computer software test application** however (Davis at page 5 paragraphs [0067] –[0073], provide a markup language, referred to as Reusable Data Markup Language ("RDML"), and a data viewer referred to as the RDML data viewer that is used to retrieve, manipulate and view

documents in the RDML format. Generally, RDML permits the browsing and manipulation of numbers, and allows the viewer to act as a combination Web browser and spreadsheet/analytic application that may automatically read numbers from multiple online sources, understand their meaning, and manipulate them without human intervention. Similarly, Reusable Data Style Language ("RDSL") style sheets 106, another optional input to the data viewer 100, can be applied to data documents to create specially-formatted output reports. A RDSL is a fully compliant implementation of Extensible Style Language ("XSL") which is described in detail in "XML Bible," Elliotte Rusty Harold, IDG Books Worldwide, 1999, further Davis at page 26 paragraph [0303] through page 27 paragraph [0321], includes a means of utilizing the tagging wizard for creating a tagged text document in RDML)).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Mason, wherein the test program was perform on the web application producing the out put in Java code enabling the java xml for parsing the out put result into usable parts, to include a means for report generator interfaces in a markup language format such as XML, of Davis's teaching. One of the ordinary skills in the art would have been motivated to perform such a modification to reduces the expense, time, and complexity of data manipulation by addressing the aforementioned problems of documentation of data, non-standardization of analytic routines, and low conceptual-level calculations of data and encapsulating data and its documentation together in machine-readable form that can be used interactively (as taught by Davis at page 5 paragraph [0074]).

**In regard to independent claim 11,** incorporate substantially similar subject matter as cited in claim 1 above, and in further view of the following, and is similarly rejected along the same rationale,

**a parser that processes a test execution log file a logical parser that processes the well-formed XML test reports file to produce a logically arranged XML test reports file** (as taught by Mason at col. 1, line 65 through col. 2, line 5, provide a mechanism for selecting application behaviors at assembly or deployment time to generate a well-formed XML test reports file),

Mason does not explicitly teach, **a logical parser operable to use the well-form XML test report file,** however (Davis at page 8 paragraphs [0101] through page 9 paragraph [0115], also see Fig. 2-7discloses an automated test, performing data analytics while the data is in a An RDML document server 218 functions when RDML documents 102 are being created dynamically. The server 218 queries the existing database 230 for the desired line items, queries the image database 226 for documentation items and instructions for constructing the RDML document 102, and finally creates a valid, well-formed RDML document, wherein RDSL style sheets 106 act as templates for output reports. The RDML data object (discussed below) in the RDML data viewer 100 can be placed into a report using one or more different style sheets. RDSL, a fully compliant implementation of XSL, allows a data publisher to provide multiple report formats for its data) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein log file would have been an obvious variant of report file to a person of ordinary skill in the art at the time the invention was made,

**converting the logically arranged XML test reports file into an HTML test summary report**, however (Davis at page 11 paragraphs [0127] through page 13 paragraph [0150], also see Fig. 7A-9, discloses the DTD item 702 data structure is optimized to provide information).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Mason, wherein the test program was perform on the web application producing the out put in Java code enabling the java xml for parsing the out put result into usable parts, to include a means for report generator interfaces in a markup language format such as XML and converting the logically arranged XML test reports file into an HTML test summary report, of Davis's teaching. One of the ordinary skills in the art would have been motivated to perform such a modification to reduces the expense, time, and complexity of data manipulation by addressing the aforementioned problems of documentation of data, non-standardization of analytic routines, and low conceptual-level calculations of data and encapsulating data and its documentation together in machine-readable form that can be used interactively (as taught by Davis at page 5 paragraph [0074]).

**In regard to independent claim 16,** incorporate substantially similar subject matter as cited in claims 1 and 11 above, and is similarly rejected along the same rationale.

**In regard to independent claim 21,** incorporate substantially similar subject matter as cited in claims 1 and 11 above, and in further view of the following, and is similarly rejected along the same rationale, Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein log file, a test ID and data identifying a test suite to which a test belongs would have been an obvious variant of report file and a mapping dictionary based on

text, class sets, and user input, to a person of ordinary skill in the art at the time the invention was made.

**In regard to claims 2-4, 6-9, 14 and 19** incorporate substantially similar subject matter as cited in claims 11 and 16 above, and are similarly rejected along the same rationale.

**In regard to claim 5,** incorporate substantially similar subject matter as cited in claims 16 above, and further in view of the following, and are similarly rejected along the same rationale,

**document type definition (DTD),** however (as taught by Davis at page 4, paragraph [0034]),

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified teaching of Mason, wherein the test program was perform on the web application producing the out put in Java code enabling the java xml for parsing the out put result into usable parts, to include a means for report generator interfaces in a markup language format such as XML and DTD, of Davis's teaching. One of the ordinary skills in the art would have been motivated to perform such a modification to reduces the expense, time, and complexity of data manipulation by addressing the aforementioned problems of documentation of data, non-standardization of analytic routines, and low conceptual-level calculations of data and encapsulating data and its documentation together in machine-readable form that can be used interactively (as taught by Davis at page 5 paragraph [0074]).

**In regard to claim 10,** incorporate substantially similar subject matter as cited in claims 16 above, and further in view of the following, and are similarly rejected along the same rationale,

**includes links to failure description pages, wherein the failure description pages provide a detailed description of a particular test failure** (as taught by Mason at col. 7, lines 30-45, since XML is self describing formatted data that required a family of technologies is defined in relation to extend functionality in relation to XML, such as "Xlink," was intended to describe a standard way to add hyperlinks to XML files in collaborating with the rejection set forth above in claim 16. Examiner reads the above schema in the broadest sense to encompass the xml linking to the failure description pages).

**In regard to claim 15**, incorporate substantially similar subject matter as cited in claims 10 above, and are similarly rejected along the same rationale.

**In regard to claims 12, 17 and 20** incorporate substantially similar subject matter as cited in claims 16 and 5 above, and are similarly rejected along the same rationale.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Quoc A, Tran*
*Patent Examiner*
*Technology Center 2176*
*January 6, 2006*

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
1/8/2006